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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,456	07/31/2003	Tzu-Jin Yeh	N1085-00039	3805
8933	7590	02/25/2005	ITSMC2002-080	
DUANE MORRIS, LLP IP DEPARTMENT ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396			EXAMINER MUNSON, GENE M	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,456

Applicant(s)

T. YEH ET AL

Examiner

G. MUNSON

Group Art Unit

2811

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 11 January 2005
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-41 is/are pending in the application.
- Of the above claim(s) 26-41 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-25 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7/31/03
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Claims 26-41 are withdrawn from consideration as being for a non-elected invention, the election having been made *without* traverse in the response, filed 11 January 2005.

Applicants are requested to cancel the non-elected claims as part of a complete response to this action. Note that cancellation of the non-elected claims would not preclude the later filing of a divisional applicant on the non-elected invention (35 USC 120, 121).

The specification is objected to under 35 USC 112, first paragraph, and 37 CFR 1.71. The specification, pages 2-7, does not agree with the figures. On page 2, the brief description of Figure 6 does not agree with Figures 6A to 6F, which the specification (page 5) does not describe. On pages 3-4, label 210 is not in Figure 2 and label 120 is not in Figure 3. There are no Figures 8G and 8H. The descriptions, pages 3, 6-7 do not agree with Figures 8A to 8F.

Claims 1-25 are rejected under 35 USC 112, first paragraph, as not being based on an adequate specification, as noted above.

Note that the process terminology (claims 11, 12) is considered only in terms of a necessary *resultant structure* from the process. The process itself is *not* at issue for a device claim. The device claims are not limited to the recited process. See MPEP 2113; *In re Brown*, 173 USPQ 685 (CCPA 1972). *In re Fitzgerald*, 205 USPQ 594 (CCPA 1980); *In re Marosi*, 218 USPQ 289, 292-293 (CCPA 1983); *In re Thorpe*, 227 USPQ 964 (Fed. Cir. 1985).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2811

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-9, 11 and 12 are rejected under 35 USC 102 as unpatentable as shown by Yu '591. See Figures 1, 7, 8, 10, 11 with a "conductive trace" 14, "insulating" layer 12, and "wells" 20, 24 (Figure 8, claim 3) or "wells" 22 (Figure 11, claim 4).

Claims 1-3, 6, 7, 9, 11 and 12 are rejected under 35 USC 102 as unpatentable as shown by Yu et al '704. See Figure 4 with a "conductive trace" 23, "insulating" layer 16 and "wells" 41.

Claims 1-4, 6, 7, 9, 11 and 12 are rejected under 35 USC 102 as unpatentable as shown by Kobayashi. See Figures 1, 2 with a "conductive trace" 16, "insulating" layer 12, and "wells" 14 (claim 3) or P type "wells" between areas 14 (claim 4).

No claim is allowed.

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02/12/05



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EXAMINER
GROUP ART UNIT 2811